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17 Attorneys for Plaintiffs  
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18 REED, and COASTAL PROTECTION  
RANGERS, INC.  
19

20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
22

23 CORY SPENCER, an individual;  
24 DIANA MILENA REED, an  
individual; and COASTAL  
25 PROTECTION RANGERS, INC., a  
26 California non-profit public benefit  
corporation,

27  
28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF SAMANTHA  
WOLFF IN SUPPORT OF  
PLAINTIFFS' REPLY IN SUPPORT  
OF ITS MOTION FOR  
ADMINISTRATIVE RELIEF  
PURSUANT TO FRCP 56(d)**

1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS VERDES  
13 ESTATES; CHIEF OF POLICE JEFF  
14 KEPLEY, in his representative  
15 capacity; and DOES 1-10,  
16  
17 Defendants.

Judge: Hon. S. James Otero  
Date: September 5, 2017  
Time: 10:00 a.m.  
Crtrm.: 10C

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

14 I, Samantha Wolff, declare as follows:

15 1. I am a Partner with the law firm Hanson Bridgett LLP, counsel of  
16 record in this matter for Plaintiffs Cory Spencer, Diana Milena Reed, and the  
17 Coastal Protection Rangers, Inc. ("Plaintiffs"). I have personal knowledge of the  
18 matters set forth in this declaration and could and would competently testify to  
19 them. All of the matters stated here are known to me personally, unless stated on  
20 information and belief; and with regard to those statements, I am informed and  
21 reasonably believe them to be true. I submit this declaration in support of Plaintiffs'  
22 Reply in Support of its Motion for Administrative Relief Pursuant to FRCP 56(d).

23 2. On March 6, 2017, I engaged in a telephonic meet and confer with  
24 counsel for the City of Palos Verdes Estates ("the City") to discuss the City's  
25 progress in preserving and reviewing relevant discovery.

26 3. As of June 1, 2017, the City had only produced 4,843 pages of  
27 documents.

28 4. On June 5, 2017, I met and conferred with Jacob Song and Christopher

1   Glos, counsel for the City, to discuss a number of outstanding discovery issues,  
2   including the City's failure to produce relevant police department emails, personal  
3   email accounts used for City business by City officials, and cell phone records for  
4   City-issued phones.

5           5.     On July 11, 2017, Mr. Glos informed me via email that the City was  
6   planning on producing "responsive, non-privileged text/chat messages from City  
7   Councilmember personal phones by the end of this week" with one exception. One  
8   councilmember, Mr. Rea, "is an attorney and expressed concerns about attorney-  
9   client privilege and/or work product that may be on his phone." Mr. Glos stated that  
10   the City was "working through those issues with Mr. Rea's law firm" and would  
11   produce relevant, non-privileged materials as soon as possible. Mr. Glos further  
12   indicated that, despite this outstanding discovery, the City would "proceed with  
13   filing our motion [for summary judgment] because of the fast approaching cut-off  
14   date." Attached as **Exhibit A** is a true and correct copy of Mr. Glos' July 11, 2017  
15   email.

16           6.     On June 13, 2017, I met and conferred again with Mr. Song to discuss  
17   several categories of documents that were missing from the City's production set,  
18   including texts and emails contained on both city-issued and personal devices, of all  
19   city employees.

20           7.     Attached as **Exhibit B** is a true and correct copy of relevant excerpts  
21   from the Transcript of the Deposition of Sergeant Steven Barber, which was taken  
22   on June 22, 2017.

23           8.     I conducted a further meet and confer Mr. Glos, counsel for the City,  
24   on June 23, 2017 – the day after Sergeant Barber's deposition. During that call, we  
25   again discussed a number of shortcomings with respect to the City's document  
26   productions. I reiterated Plaintiffs' request for confirmation whether City officials  
27   are using personal devices and accounts for City business. Mr. Glos indicated that  
28   he would look into it and let me know.

1           9.     Between July 7 and July 14, the City produced documents having Bates  
2 ranges CITY007223-022986.

3           10.    Upon review of the City's July productions, it became clear that the  
4 City and other Defendants continued to withhold numerous categories of relevant  
5 documents. Plaintiffs sought to rectify this issue through hearings with Magistrate  
6 Judge Oliver on July 25 and 26, 2017. In particular, my co-counsel sought  
7 assistance from Magistrate Judge Oliver with issues relating to the City's failure to  
8 produce relevant information on July 25, 2017. Attached as **Exhibit C** is a true and  
9 correct copy of the Transcript of Proceedings Before the Honorable Rozella A.  
10 Oliver (July 25, 2017).

11           11.    On August 3 and 4, 2017, the City produced documents with Bates  
12 ranges CITY023466-CITY023509. But that production left a gap in the production  
13 numbers of CITY022987-CITY023465. The City finally produced the missing 497  
14 pages on August 15, 2017, after briefing on its motion for summary judgment had  
15 closed.

16           12.    Defendants Charlie and Frank Ferrara were ordered by Magistrate  
17 Judge Oliver to produce all relevant cell phone data – including cell phone bills and  
18 cell phone extraction reports – by 5:00 p.m. on Monday, July 17, 2017. The  
19 Ferraras sent an incomplete production via email at 5:13 p.m. on July 17, 2017.  
20 They sent another incomplete production via email after 5:00 p.m. on July 21, 2017.  
21 I met and conferred with their counsel, Tiffany Bacon, the following Monday – July  
22 24, 2017. Ms. Bacon admitted they had not produced Charlie Ferrara's cell phone  
23 extraction report. His cell phone extraction report was eventually produced –  
24 following another telephonic hearing with Magistrate Judge Oliver – on July 26,  
25 2017. Both of the Ferraras' extraction reports are heavily redacted and were not  
26 produced with a privilege log.

27  
28           I declare under penalty of perjury under the laws of the United States of

1 America that the foregoing is true and correct. Executed in Walnut Creek,  
2 California on August 22, 2017

3  
4 /s/ Samantha D. Wolff

5 SAMANTHA D. WOLFF  
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